

PATENT
ATTORNEY DOCKET NO. DIVER1370-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay M. Short et al.

Parent Application No.: 09/318,528

Parent Filed: May 25, 1999

Filed: February 5, 2001

For: RECOMBINANT BACTERIAL
PHYTASES AND USES THEREOF

) Group Art Unit: Unassigned

)

) Examiner: Unassigned

)

) "EXPRESS MAIL" Mailing Label Number EL476994149US
Date of Deposit February 5, 2001

)

) I hereby certify under 37 CFR 1.10 that this correspondence is
being deposited with the United States Postal Service as "Express
Mail Post Office to Addressee" with sufficient postage on the
date indicated above and is addressed to the Commissioner for
Patents, Washington, D.C. 20231

)

Mikhail Bayley

)

Mikhail Bayley

)

)

)

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

PERMISSION TO USE SEQUENCE LISTING

Sir:

The above-identified patent application lacks a substitute paper copy of the Sequence Listing for inclusion into the Specification, as well as a computer readable form of the Sequence Listing. Applicants respectfully direct the attention of the Office to the following:

1. A complete paper copy of the Sequence Listing is to be inserted following the Abstract on page 88 and before the Drawings. Please insert the Sequence Listing beginning with page 1 and numbering consecutively thereafter. A paper copy of the Sequence Listing is included herewith, and is identical to the computer readable copy of the Sequence Listing filed in U.S. Patent Application Number 09/318,528, filed May 25, 1999.

In Re Application o
Jay M. Short et al.
Parent Application No. 09/318,528
Parent Filing Date: May 25, 1999
Continuation Filing Date: February 5, 2001
Page 2

PATENT
Attorney Docket No.: DIVER1370-6

2. A computer-readable form in this application is identical with that filed in application serial number 09/318,528, which was filed May 25, 1999. Pursuant to 37 CFR §1.821(e), please use the Sequence Listing filed on October 15, 1999. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for application filed herewith.

I hereby state, as required by 37 C.F.R. § 1.821(g), that the enclosed submission includes no new matter. Applicants submit that the foregoing satisfies the requirements of Rule §1.821. If there are any questions regarding this response, the Office is invited to contact the undersigned.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: 2/5/01


Lisa A. Haile, Ph.D.
Reg. No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, California 92121-2189



PATENT

Attorney Docket No.: DIVER1370-6

✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short and Kretz
Application No.: 09/777,566
Filed: February 5, 2001
Title: RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Commissioner for Patents
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g);

Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

Respectfully submitted,

Date: 6/7/01

Lisa A. Haile, Ph.D.
Reg. No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121-2189

Customer Number: 28213

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>6-7-01</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Name of Person Mailing Paper	<u>Gray Cary</u>
Signature	<u>Gray Cary</u>
	6-7-01 Date